POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*	FOR COURT USE ONLY

Law Offices of Jeffrey V. Mehalic
Jeffrey V. Mehalic, Esq. (WV SB 2519)
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      TELEPHONE NO: 304-346-3462   FAX NO *(Optional)*:
E-MAIL ADDRESS *(Optional)*: jeff@mehaliclaw.com
      ATTORNEY FOR *(Name)*:	

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
  STREET ADDRESS:
  MAILING ADDRESS:
  CITY AND ZIP CODE:
  BRANCH NAME: IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICVT OF
            WEST VIRGINIA AT CLARKSBURG	

PLAINTIFF / PETITIONER: JOHN KNOTTS DEFENDANT / RESPONDENT: YORBA CAPITAL MANAGEMENT LLC and DANIEL PORTILLA	CASE NUMBER: 1:18-CV-185 IMK
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: 2696660 (SISTER FILE: 2696683)

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:
    a. [X] summons
    b. [X] complaint
    c. [ ] Alternative Dispute Resolution (ADR) package
    d. [ ] Civil Case Cover Sheet *(served in complex cases only)*
    e. [ ] cross-complaint
    f. [X] other *(specify documents)*:   Conformed SUMMONS IN A CIVIL ACTION (AO 440) , Conformed COMPLAINT, EXHIBIT "A" , Conformed CIVIL
            COVER SHEET (JS 44)

3. a. Party served *(specify name of party as shown on documents served)*:
        DANIEL PORTILLA
    b. [ ] Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on
            whom substituted service was made) *(specify name and relationship to the party named in item 3a)*:

4. Address where the party was served:
    5528 E. La Palma Avenue Suite 3A, Anaheim, CA 92087

5. I served the party *(check proper box)*
    a. [ ] **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to
            receive service of process for the party (1) on *(date)*:   (2) at *(time)*:
    b. [X] **by substituted service.** On *(date)*:   Wed, Oct 24 2018   at *(time)*:   01:15 PM   I left the documents listed in
            item 2 with or in the presence of *(name and title or relationship to person indicated in item 3)*:
            John Doe Male 30 Dark hair 5'9 unshaven 175lbs when first asked he said he was DANIEL PORTILLA later said he was not.
        (1) [X] **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to
                be served. I informed him or her of the general nature of the papers.
        (2) [ ] **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of
                the party. I informed him or her of the general nature of the papers.
        (3) [ ] **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the
                person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature
                of the papers.
        (4) [X] I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place
                where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on *(date)*:   Wed, Oct 24 2018
                from *(city)*:   Orange   or [ ] a declaration of mailing is attached.
        (5) [X] I attach a **declaration of diligence** stating actions taken first to attempt personal service.

Form Adopted for Mandatory Use
Judicial Council of California
POS-010 [Rev. January 1, 2007]

PROOF OF SERVICE OF SUMMONS

Code of Civil Procedure, § 417.10

PLAINTIFF / PETITIONER: JOHN KNOTTS	CASE NUMBER:
DEFENDANT / RESPONDENT: YORBA CAPITAL MANAGEMENT LLC and DANIEL PORTILLA	1:18-CV-185 IMK

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

    (1) on *(date)*:   (2) from *(city)*:

    (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. *(Attach completed Notice and Acknowledgement of Receipt.)* (Code Civ. Proc., § 415.30.)

    (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

  d. ☐ **by other means** *(specify means of service and authorizing code section)*:

      ☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

  a. ☒ as an individual defendant.

  b. ☐ as the person sued under the fictitious name of *(specify)*:

  c. ☐ as occupant.

  d. ☐ On behalf of *(specify)*:

    under the following Code of Civil Procedure section:

    ☐ 416.10 (corporation)   ☐ 415.95 (business organization, form unknown)

    ☐ 416.20 (defunct corporation)   ☐ 416.60 (minor)

    ☐ 416.30 (joint stock company/association)   ☐ 416.70 (ward or conservatee)

    ☐ 416.40 (association or partnership)   ☐ 416.90 (authorized person)

    ☐ 416.50 (public entity)   ☐ 415.46 (occupant)

    ☐ other:

7. **Person who served papers**

  a. Name: Michael Danley

  b. Address: 333 City Blvd 17th Flr, Orange, Ca 92868

  c. Telephone number: 714-971-2217

  d. **The fee** for service was: $65.50

  e. I am:

    (1) ☐ not a registered California process server.

    (2) ☐ exempt from registration under Business and Professions Code section 22350(b).

    (3) ☒ a registered California process server:

      (i) ☐ owner ☐ employee ☐ independent contractor

      (ii) Registration No: Reg Orange Co. 1782

      (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
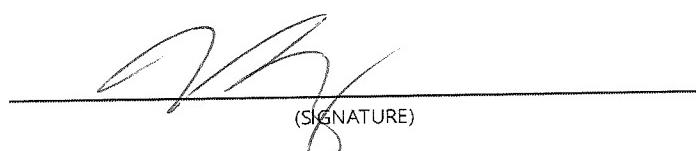
  or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11/01/18

Michael Danley   (SIGNATURE)

(NAME OF PERSON WHO SERVED PAPERS / SHERIFF OR MARSHAL)

MC-031

PLAINTIFF / PETITIONER: JOHN KNOTTS DEFENDANT / RESPONDENT: YORBA CAPITAL MANAGEMENT LLC and DANIEL PORTILLA	CASE NUMBER: 1:18-CV-185 IMK

DECLARATION OF DILIGENCE

(This form must be attached to another form or court paper before it can be filed in court.)

1) Unsuccessful Attempt: Oct 9, 2018, 9:01 pm PDT at 5528 E. La Palma Avenue Suite 3A, Anaheim, CA 92087

No answer at door, door locked

2) Unsuccessful Attempt: Oct 12, 2018, 3:50 pm PDT at 5528 E. La Palma Avenue Suite 3A, Anaheim, CA 92087

No answer at door, door locked.

3) Unsuccessful Attempt: Oct 18, 2018, 4:31 pm PDT at 5528 E. La Palma Avenue Suite 3A, Anaheim, CA 92087

No answer at door, door locked.

4) Successful Attempt: Oct 24, 2018, 1:15 pm PDT at 5528 E. La Palma Avenue Suite 3A, Anaheim, CA 92087 John Doe Male 30 Dark hair 5'9 unshaven 175lbs when first asked he said he was DANIEL PORTILLA later said he was not.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 11/1/18

Michael Danley

_____
(TYPE OR PRINT NAME)

_____
(SIGNATURE OF DECLARANT)

☐ Attorney for   ☐ Plaintiff   ☐ Petitioner   ☐ Defendant
☐ Respondent   ☐ Other (Specify):

Form Approved for Optional Use
Judicial Council of California
MC-031 [Rev.July 1, 2005]

ATTACHED DECLARATION

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